

**COLORADO DEPARTMENT OF LAW  
PEACE OFFICER STANDARDS AND TRAINING BOARD**

**2015**

**RULES CONCERNING DEFINITIONS, SUBJECT MATTER EXPERTS,  
HEARINGS, VARIANCES, APPEAL PROCESS, REVOCATION HEARINGS,  
BASIC, PROVISIONAL AND RESERVE CERTIFICATIONS, RENEWAL OF  
CERTIFICATION, FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
CHECK, CERTIFICATION AND SKILLS EXAMINATIONS,  
CERTIFICATION RECORDS, CERTIFICATION SUSPENSION AND  
REVOCATION, SKILLS TRAINING REQUIREMENTS, ACADEMY  
INSTRUCTOR TRAINING PROGRAMS, ACADEMY AND TRAINING  
PROGRAM INSPECTIONS, IN-SERVICE TRAINING PROGRAM, AND  
ADDITION OF RULE 29 – HIRING STANDARDS.**

**STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE**

Pursuant to sections §24-31-303 (1)(g), (l) and (m), C.R.S., the Colorado Peace Officer Standards and Training Board (POST) has the authority and duty to promulgate rules and regulations deemed necessary by such board for the certification of applicants to serve as peace officers or reserve officers in the state, to promulgate rules deemed necessary by such board concerning annual in-service training requirements, and to promulgate rules as the board may deem necessary or proper to carry out the provisions and purposes of article 4 of Title 24.

Amendments are proposed to Rule 1 – Definitions, to update and add pertinent information.

Amendments are proposed to Rule 4 – Subject Matter Experts, to update and clarify appointment of committee members, number of members and quorum requirements, member qualifications and compensation, and duties of the committees.

Amendment is proposed to Rule 5 – Hearings, to remove outdated requirements for printed materials.

Amendment is proposed to Rule 7 – Variances, to remove unnecessary language.

Amendments are proposed to Rule 10 – Basic Peace Officer Certification, and to Rule 12 - Reserve Certification, to include requirement for copy of DD214 (Certificate of Release or Discharge from Active Duty) (if applicable,), and copy of Colorado Driver's License or Identification card, and to specify date by which the certification exam must be completed.

Amendments are proposed to Rule 11 – Provisional Certification, to align language for applicant requirements with existing statute, to clarify date by which certification exam must be completed, and to remove unnecessary paragraph regarding extension of Provisional certification.

Amendments are proposed to Rule 13 – Renewal of Basic Certification, to clarify date of expiration for Basic certification, and to add requirement for physical and psychological examinations upon hiring after renewal.

Amendments are proposed to Rule 14 – Fingerprint-Based Criminal History Record Check, to specify time limit for fingerprint returns, to clarify enrollment roster requirements, and to correct referenced Rule number from Rule 7 to Rule 8 – *Appeal Process for Peace Officer Applicants - Certification Denial as a Result of a Misdemeanor Conviction*.

Amendments are proposed to Rule 15 – Certification Examination, Basic, Provisional, Renewal, to correct grammatical errors, to specify requirement of copy of Colorado driver's license or state-issued ID card, to specify requirement for DD214- Certificate of Release or Discharge from Active Duty, (if applicable), to clarify two-year deadline for completion of certification examination after academy end date, and to remove unnecessary language.

Amendments are proposed to Rule 16 – Skills Examinations for Provisional and Renewal Applicants, to clarify number of times a skills test may be retaken, with an additional exam fee, and that academy training in the failed skill must be completed after failing the skill exam three times.

Amendments are proposed to Rule 17 – Certification Records, to specify requirement that physical and psychological examinations must be completed upon appointment of an officer to an agency, and to specify the requirement of submission of affirmation of physical and psychological examinations (Form 6) via the POST portal upon appointment.

Amendments are proposed to Rule 18 – Certification Suspension and Revocation – Basic, Provisional, Renewal and Reserves, to specify the circumstances under which an officer's certification may be suspended or reinstated in regard to completion of in-service training requirements.

Amendments are proposed to Rule 24 – Skills Training Safety and Skills Requirements for Basic and Reserve Academies, to clarify cleaning of mats, to define lab hours, and to clarify enrollment in academy firearms training program.

Amendments are proposed to Rule 25 – Academy Instructor Training Programs, to simplify language regarding instructor programs, classes, instructors, and certificates of completion, to specify expiration and approval of training classes, to define new instructor programs and specify notification deadlines and documentation requirements for programs, and to delete unnecessary language. Amendments to the Rule also include the addition of sections regarding Lesson Plans, Attendance, Training Sites, Duty to Report, and POST Grant Funds.

Amendments are proposed to Rule 26 – Academy and Training Program Inspections, to simplify language, to specify allowable inspections of programs by POST and Subject Matter Expert committees, to clarify process for notification and remedial action for deficient programs, the appeal process, and suspension of programs.

Amendments are proposed to Rule 28 – In-Service Training Program, to revise language regarding authority and responsibility for in-service training classes, web-based or otherwise, lying with the chief executive of each agency.

Rule 29 – Hiring Standards, is created to outline minimum recommended hiring standards for Basic, Provisional, or Reserve officers and officers renewing their Basic certification, upon appointment to an agency, to include background investigation and to require physical and psychological examinations and submission of affirmation (Form 6) to POST for any new appointment to an agency.

#### Statutory Basis

The statutory basis for adoption of the proposed rules are §24-31-303(1)(g) C.R.S. §24-31-305(1.7)(c) C.R.S. and §24-31-303(l) C.R.S.

#### Purpose

The purpose of the amended rules is to provide clarification to persons subject to POST peace officer certification requirements and provide updated information regarding items utilized in these rules. The purpose of adding Rule 29 is to provide hiring standards for Colorado law enforcement agencies.

#### Contemplated Schedule for Adoption

Rules will likely be adopted by December 11, 2015, with an effective date of January 31, 2016

#### Listing of Persons and Parties Affected

Peace officers, including those applying for certification and those currently employed as certified peace officers, will be affected by this anticipated rulemaking.

It has been declared by the General Assembly that certification and training standards of peace officers is a matter of statewide concern. The absence of implementing rules to carry out the purpose of the statutes would be contrary to the public health, peace, safety and welfare of the state. For these reasons, it is imperatively necessary that these proposed amendments be adopted.